

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAWRENCE JOHN JAKUBOWSKI,

Plaintiff,

v.

DONALD HALDERER,

Defendant.

Case No. 18-cv-11323

Honorable Laurie J. Michelson

Magistrate Judge Elizabeth A. Stafford

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**ORDER ACCEPTING REPORT AND RECOMMENDATION [38] AND  
DISMISSING COMPLAINT AS MOOT OR, ALTERNATIVELY,  
GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT [25]**

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Before the Court is Magistrate Judge Elizabeth A. Stafford’s February 24, 2020, Report and Recommendation. (ECF No. 38.) At the conclusion of her report, Magistrate Judge Stafford notified the parties that they were required to file any objections within 14 days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d). (ECF No. 38, PageID.237.) She further informed the parties, “If a party fails to timely file specific objections, any further appeal is waived. And only the specific objections to this report and recommendation are preserved for appeal; all other objections are waived.” (*Id.* (citation omitted).) It is now March 20, 2021. As such, the time to file objections has expired. And no objections have been filed.

The Court finds that the parties’ failure to object is a procedural default, waiving review of the Magistrate Judge’s findings by this Court. In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that “a party shall file objections with the district court or else waive right to appeal.” And in *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court explained that the Sixth Circuit’s waiver-of-

appellate-review rule rested on the assumption “that the failure to object may constitute a procedural default waiving review even at the district court level.” 474 U.S. at 149; *see also* *Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at \*8 (E.D. Mich. Apr. 16, 2012) (“The Court is not obligated to review the portions of the report to which no objection was made.” (citing *Thomas*, 474 U.S. at 149–52)). The Court further held that this rule violates neither the Federal Magistrates Act nor the Federal Constitution.

The Court therefore finds that the parties have waived further review of the Magistrate Judge’s Report and accepts her recommended disposition. It follows that Plaintiff Lawrence John Jakubowski’s complaint is DISMISSED for lack of subject-matter jurisdiction or, in the alternative, Defendant Donald Haiderer’s motion for summary judgment (ECF No. 25) is GRANTED.

SO ORDERED.

Dated: March 22, 2021

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE